

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 06, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
v.

NOE RUBIO-FARIAS and ROMAN
BERUMEN PEREZ,
Defendants.

Nos. 1:21-CR-02009-SAB-1
1:21-CR-02009-SAB-2

**ORDER CONTINUING
PRETRIAL AND TRIAL**

A pretrial hearing was held on April 6, 2021 by videoconference. With their consent, Defendants participated from the Yakima County Jail. Defendant Rubio-Farias was represented by Greg Scott; Defendant Berumen Perez was represented by Rick Smith. The United States was represented by Ian Garriques.

Pending before the Court was Defendant Rubio-Farias's Motion to Continue, ECF No. 47. He asked to continue the trial until September 2021. The United States did not object to his request, but Defendant Berumen Perez did. This Order memorializes the Court's oral ruling.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Rubio-Farias's Motion to Continue, ECF No. 47, is
GRANTED.

ORDER CONTINUING PRETRIAL HEARING AND TRIAL DATE ~ 1

1 2. The current trial date of April 19, 2021 is stricken and **reset** for **June**
2 **1, 2021**, at **9:00 a.m.** commencing with a **final** pretrial conference at **8:30 a.m.** All
3 hearings shall take place in **Yakima**, Washington.

4 3. The pretrial conference is **set** for **May 19, 2021**, at **11:00 a.m.**, in
5 **Yakima**, Washington. Counsel shall advise the Court regarding any dispositive
6 change in the status of this case **at least 5 days prior to the pre-trial conference**.
7 Any motion to continue the pre-trial conference or trial shall be filed at the earliest
8 practicable opportunity, but no later than **seven (7) days prior to said proceeding**.
9 Movant shall provide (1) specific and detailed reasons for the continuance to
10 permit the Court to make the necessary findings; (2) if applicable, the Defendant's
11 signed Speedy Trial Waiver; (3) the position of opposing counsel; and (4) the
12 proposed new date. Continuances are not granted absent good cause.

13 4. All pretrial motions shall be filed on or before **April 23, 2021**.

14 5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between April 19,
15 2021, the current trial date, until June 1, 2021, the new trial date, is DECLARED
16 EXCLUDABLE for purposes of computing time under the Speedy Trial Act. The
17 Court finds that the ends of justice served by such a continuance outweigh the
18 public's and Defendant's interest in a speedy trial.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 6. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit
2 lists, expert witness lists, and summaries of expert testimony shall be filed and
3 served by all parties on or before **seven (7) calendar days prior to trial**. This does
4 not modify the parties' discovery obligations under Fed. R. Crim. P. 16. Absent an
5 agreement between the parties or an Order from the Court, the parties' Fed. R.
6 Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule 16.

7 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
8 enter this Order and furnish copies to counsel.

9 **DATED** this 6th day of April 2021.



13
14

A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

15 Stanley A. Bastian
16 Chief United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28